

REMARKS

Claims 68-91 are pending in the present application. Claims 68, 77, and 82 are amended herein and dependent claims 92-102 are added. Support for the claim amendments and added claims is found throughout the Specification, as filed, (e.g. see page 14, line 12-page 15, line 4; page 15, lines 10-28; and page 8, lines 10-13) and no new matter is presented by the amendment.

In the Office action, the Office asserts that restriction to one of the following Groups is required:

Group I: Claims 68-81, drawn to apparatus, classified in class 604, subclass 521
and

Group II: Claims 82-91, drawn to method of use, classified in class 64, subclass
890.01.

The Office further asserts that the application contains claims directed to more than one species. The species are set forth as follows:

Species A: Figures 1-3a

Species B: Figures 3b

Species C: Figures 3c

Species D: Figures 4a-c

Species E: Figures 4d

Species F: Figures 5a-5b

In response, Applicants conditionally elect Group II, claims 82-91, drawn to a method of sue, with traverse. Applicants further elect Species A, figures 1-3a, with traverse.

Applicants respectfully request that the requirement be reconsidered and withdrawn. Claims 68-81 have been amended to specifically refer to a device for implantation within a patient's ear. Further, it is believed no undue burden would be imposed by examination of multiple groups such as Groups I and II. Additionally, searches for these groups would overlap significantly.

The election is made solely to comply with the Office Action and should not be construed as a surrender of any subject matter in the application. The right to file divisional applications on the non-elected claims is reserved.

It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested. If for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

Dated: *Sept. 12, 2005*

Respectfully submitted,
By
Lisa Swiszcz Hazzard (Reg. No.: 44,368)
EDWARDS & ANGELL, LLP
P.O. Box 55874
Boston, Massachusetts 02205
(617) 439-4444